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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application of: David MCCALLISTER *et al.*

Application No.: 10/092,083

Group Art Unit: 1617

Filed: March 6, 2002

Examiner: Shaojia A. JIANG

For: EFFERVESCENT COMPOSITIONS
COMPRISING BISPHOSPHONATES AND
METHODS RELATED THERETO

Attorney Docket No. 320836-00100

NOTICE OF APPEAL

Box AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 23, 2004 of the Primary Examiner to not enter the Amendment filed on August 30, 2004.

The items checked below are appropriate.

1. ☒ A Petition for a Three-Month Extension of Time to respond to the final rejection, together with the \$490.00 extension fee under 37 C.F.R. §1.17, is enclosed.

2. ☐ A Petition for an additional ____ months extension of time to take further action, together with the \$____ extension fee under 37 C.F.R. §1.17, was filed on ____.

3. ☐ Fee \$340.00

☒ Fee \$170.00

☒ Enclosed

☐ Not required (fee paid in prior appeal)

11/01/2004 MGBREM1 00000004 10092083

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170.00 OP

☐ Charge to Deposit Account No. 50-1710 (One additional copy of this Notice enclosed herewith)

4. ■ Any prior general authorization to charge an issue fee under 37 C.F.R. §1.18 to Deposit Account No. 50-1710 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 50-1710.

5. ■ Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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Date: October 29, 2004

Patent Administrator
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